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May 2, 2007

Agenda No. 69
03/06/07

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: COASTAL DEVELOPMENT PERMIT NUMBER 200500002-(4)
PARKING PERMIT NUMBER 200500004-(4)
VARIANCE NUMBER 200500004-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced applications which propose a 544-unit apartment complex in Marina del Rey. At the completion of the hearing, you indicated an intent to approve the applications and instructed us to prepare findings and conditions for approval, including a fully dimensioned site plan. Enclosed are findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By
RICHARD D. WEISS
Assistant County Counsel
Property Division

APPROVED AND RELEASED:

for RAYMOND G. FORTNER, JR.
County Counsel
RDW/
Enclosures

HOA.439356.1

FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
COASTAL DEVELOPMENT PERMIT NUMBER 200500002-(4)
PARKING PERMIT NUMBER 200500004
VARIANCE NUMBER 200500004

1. The Los Angeles County Board of Supervisors ("Board") conducted a duly noticed public hearing on Coastal Development Permit No. 20050002-(4), Parking Permit No. 200500004, and Variance No. 200500004 (collectively, the "Project Permits") on March 6, 2007. This hearing was conducted *de novo* by the Board in response to two appeals filed in protest to the Regional Planning Commission's December 13, 2006, approval of the Project Permits. The Applicant for the Project Permits is Del Rey Shores Joint Venture and Del Rey Shores North Joint Venture ("Applicant").

2. Coastal Development Permit No. 20050002-(4) authorizes the Applicant to demolish the existing 202-unit "Del Rey Shores" apartment complex and all parking, landscaping, private recreation, and other appurtenant facilities developed on the subject property, and to subsequently construct on the subject property a 544-unit apartment complex (to include, for a period of no less than 30 years from the initial date of legal occupancy of the project, Applicant's provision of 37 units solely designated for occupancy by moderate-income households and 17 units solely designated for occupancy by very low-income households, as such households are respectively defined in sections 50093 and 50105 of the California Health and Safety Code) with appurtenant on-site parking, landscaping, and private recreation facilities.

3. Parking Permit No. 200500004 authorizes the Applicant to provide compact parking for a portion of the on-site apartment parking.

4. Variance No. 200500004 authorizes the installation of sign area in excess of the applicable requirements for same codified in Section 22.46.1060.D of the Los Angeles County Code ("County Code").

5. The subject property is located at 4201 Via Marina in Marina del Rey (Marina del Rey, Parcel Nos. 100 and 101). The project site is bounded by Via Marina to the east, Dell Avenue (a private alley) to the west, and Marquesas Way to the south. The property is located in the Playa del Rey Zoned District.

6. The subject property is located on level terrain in a highly urbanized area devoted primarily to multi-family residential use.

7. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program ("LCP"). This corresponds to a designation of "Residential V."

8. Zoning on the surrounding properties consist of the following:

North: Residential V (per Marina del Rey Specific Plan);

South: City of Los Angeles zoned property;

West: City of Los Angeles zoned property; and

East: Residential IV and Open Space (per Marina del Rey Specific Plan).

9. A 202-unit apartment complex currently exists on the subject property.

10. Land Uses on surrounding properties consist of the following:

North: Multi-family residential;

South: Multi-family residential and the Venice Canal;

West: Multi- and single-family residential; and

East: Multi-family residential, visitor-serving commercial, and beach.

11. Three plot plan cases were previously filed on the subject property; two under the same project number, as follows:

Plot Plan 16912

Applicant: Del Rey Shores North.

Description: Plot plan to authorize development on northerly parcel. The plot plan was approved April 29, 1968.

Plot Plan 27118

Applicant: Del Rey Shores.

Description: Plot plan to authorize car ports. Plot plan was approved February 20, 1975.

Plot Plan 27118

Applicant: Del Rey Shores.

Description: Plot Plan to authorize an office manager's apartment. Plot plan was approved October 30, 1984.

12. The Applicant's approved site plan depicts a 544-unit apartment consisting of 12 buildings 75-feet in height, five stories of apartments over two levels of parking. Architectural features extend approximately 25 feet above the roofline in select locations.

13. The primary entrance to the apartment complex fronts Panay Way and Via Marina. Tenant parking takes access off Dell Avenue to the rear of the structure through three ramps; tenant parking has gated access. The two levels of parking include one subterranean level. A minimum of 1,088 parking spaces will be provided throughout the project. Pursuant to the approved Parking Permit for the project, 328 of these spaces are allocated to compact parking. One hundred thirty-six spaces are allocated as guest parking spaces and 18 spaces are allocated for persons with disabilities, consistent with the County Code requirements.

14. The certified Marina del Rey Local Coastal Program ("certified LCP") provides development guidelines for the unincorporated community of Marina del Rey. The certified LCP consists of two sets of inter-related requirements: The Marina del Rey Land Use Plan (land use policies) and the Local Implementation Program or Specific Plan (development-specific requirements).

15. The subject property is designated "Residential V" in the Marina del Rey Land Use Plan, which designation allows for residential densities of up to 75 dwelling units per net acre and a maximum building height of 225 feet. With an approved density of approximately 65 dwelling units per acre, the approved development is well under the maximum density prescribed for the subject property in the certified LCP. Likewise, with a maximum building height of approximately 75 feet (excluding architectural elements which will extend beyond the roofline in select locations by an additional approximately 25 feet), the approved project is well under the maximum building height limitation of 225 feet established for the subject property in the certified LCP.

16. The certified LCP separates Marina del Rey into 14 "Development Zones" for the purposes of allocating future development potential. The subject Parcels 100 and 101 are located within Development Zone 12 ("Via Marina Development Zone") per the certified LCP. Prior to approval of this project, the Via Marina Development Zone had an available development allocation of 530 additional dwelling units, 30,000 square feet of additional visitor-serving commercial use, and 340 additional restaurant seats. Because the approved project proposes a net increase of 342 dwelling units on the site (i.e., 544 proposed units – 202 existing units = net increase of 342 units), the approved project is consistent with the available residential development allocation of the Via Marina Development Zone. With approval of this project, the Via Marina Development Zone will have a remaining residential development allocation of 188 dwelling units (i.e., 530 allocated units – 342 net new units in subject project = 188 remaining dwelling units in the Development Zone).

17. The Marina del Rey Specific Plan lists "Multi-Family dwellings no more than 75 dwelling units per acre" as the principal permitted use of the Residential V land use category (LACC 22.46.1310.A). The approved development is a multi-family dwelling complex with a density of approximately 65 dwelling units per

acre. As such, in accordance with the certified LCP, the approved development is a conforming principal permitted use per the subject property's Residential V land use designation.

18. Section 22.46.1330 of the County Code specifies development standards for all uses in the subject Residential V category. Applicable requirements are listed as follows:

Height: Building height is limited to a maximum of 225 feet.

As noted, the approved apartment is 75 feet in height. Architectural features in select locations on the roof are approximately 25 additional feet above the roof line. Regardless, with the overall height of 100 feet, which includes the architectural ornamentation, the proposed development is well below the maximum height of 225 feet and is thus in full compliance with the applicable building height standard.

Density: Dwelling Unit Density shall not exceed 75 units per acre.

The approved project provides 544 dwelling units on 8.31 acres. This amounts to a project density of 65 units per acre. Project density thus complies with the applicable density standard.

Setbacks: Front and rear yard setbacks shall be a minimum of 10 feet in addition to the required highway and promenade setback. Side yard setbacks shall be a minimum of five feet.

As shown on the approved site plan (Exhibit "A"), front, rear, and side yard setbacks for the project are in excess of the above-described setback minimums.

19. According to Section 22.46.1060.A of the County Code, landscaping shall be provided to prevent erosion. The Applicant has provided sufficient landscaping within the central courtyard of the site and along the boundaries and edges facing abutting public streets (i.e., Via Marina to the east and Marquesas Way to the south) and/or private alleys (i.e., Dell Avenue to the west and Admiralty Loop to the north).

20. Section 22.46.1060.B of the County Code stipulates that lot/building coverage may not exceed 90 percent of net lot area, and requires that a minimum of 10 percent of the net lot area be landscaped. Lot coverage for the approved project is approximately 38 percent of the site. Moreover, landscaping consumes approximately 25 percent of the site. In both cases, the approved site plan is sufficiently over minimum required standards.

21. Section 22.46.1180 of the County Code requires that an application for new development shall provide the following information:

A. Protection and Enhancement of Shoreline Access and Views: This requirement is intended for shoreline development, located between the shore and the first public road, to ensure that visitors have adequate visual and shoreline access. As the project is located westerly of Via Marina, this requirement is not applicable;

B. Wind Study: A Wind Study was conducted by RWDI, Inc., dated March 30, 2005. The analysis concluded that the proposed project would not significantly affect wind conditions in Marina del Rey;

C. Avoidance and Mitigation of Geologic/Geotechnical Hazards: The certified Environmental Impact Report for the project analyzed potential impacts from Geologic/Geotechnical Hazards; these were determined to be less than significant;

D. Protection of Cultural Heritage Resources: An apartment building has already been established on-site. The Initial Study concluded that the proposed project would not result in any potential cultural impacts;

E. Avoidance and Mitigation of Flood Control Hazards: Hydrology impacts were analyzed in the certified Environmental Impact Report. Mitigation measures including Best Management Practices were recommended. With mitigation, the project impacts were determined as less than significant;

F. Protection of Gas Company Facilities: The project does not pose any impacts to Gas Company Facilities; and

G. Conformance with Development Phasing Plan: The project will generate a net increase of 342 units. Section 22.46.1910 of the County Code allocates 530 dwelling units to the Via Marina Development Zone (Zone 12). As noted, no increases in dwelling units have occurred in Development Zone 12 since the certification of the Marina del Rey Local Coastal Program. The project's increase in dwelling units on the subject property is thus within the specified limits.

22. Sections 22.46.1090 and 22.46.1100 of the County Code and the Marina Land Use Plan ("LUP") require, among other things, that the Applicant demonstrate that there is sufficient traffic capacity in both the internal Marina del Rey road system and the subregional highway system serving the Marina to accommodate project traffic. The certified Environmental Impact Report for the project includes a traffic analysis that was prepared in accordance with the requirements of the LCP and LUP, and which shows that there is adequate internal and subregional traffic capacity and which identifies the mitigation for the project's significant direct and cumulative traffic impacts:

A. Direct Traffic Mitigation. The subject project would be required to pay $631,590 in trip mitigation fees, $176,712 of which will go toward Category 1 transportation improvements, and $454,878 of which will go toward Category 3 transportation improvements. The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, the certified Environmental Impact Report recommends the Applicant's payment of the above-described fee over the partial construction by the Applicant of portions of the TIP roadway improvements. However, should the County Director of Public Works decide that it is necessary to expedite construction in order to mitigate all of the project's significant direct traffic impacts on the internal circulation system prior to project occupancy, the Environmental Impact Report recommends the following measure:

i. Lincoln Boulevard & Mindanao Way - The Applicant shall widen Lincoln Boulevard, and relocate and narrow the exiting median island to provide a northbound right-turn only or through lane at Mindanao Way. This measure is identical to the improvement described in Appendix G (TIP) of the Marina del Rey Local Implementation Program.

B. Mitigation of Cumulative Impacts on the Subregional Traffic System. The subject project would be required to pay $631,590 in trip mitigation fees, $176,712 of which will go toward Category 1 transportation improvements, and $454,878 of which will go toward Category 3 transportation improvements. The Project will also contribute (beyond the required LCP funds) its fair share amount to a new traffic signal at the modified Washington Boulevard/Palawan Way intersection. The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, Applicant's payment of the above-described fee is recommended mitigation over the partial construction by the Applicant of portions of the significant TIP roadway improvements. However, should the County Director of Public Works decide that is necessary to expedite construction in order to assure that the mitigation occurs in phases coinciding with new development in Marina del Rey, the following measures are recommended to reduce the significant project traffic impact identified in the traffic study prepared for this project to less than significant levels:

i. Admiralty Way and Via Marina - Participate in the reconstruction of the intersection to provide for a realignment of Admiralty Way as a "through roadway," with Via Marina intersecting into Admiralty Way in a "tee" configuration. All turning movements at the intersection

will be constructed as dual-or right-turning movements. This improvement is identified in the Marina del Rey TIP and will enhance flow within the Marina;

ii. Admiralty Way and Palawan Way - Restripe the southbound approach to convert the through lane into a left/through shared lane; restripe the northbound approach to provide an exclusive right-turn only lane, in addition to a shared left-turn/through lane. This improvement is currently being investigated by the County for implementation as a new TIP-type measure, funded by fair-share contributions by projects within Marina del Rey. Also, add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way, as identified in the TIP;

iii. Lincoln Boulevard and Mindanao Way - In addition to the project-specific mitigation improvement described earlier (installation of a northbound right-turn only lane), restripe Lincoln Boulevard at Mindanao Way to provide dual left-turn lanes in the southbound direction. This improvement may require additional widening along southbound Lincoln Boulevard. Acquisition of additional rights-of-way to implement this improvement could be funded through payment of the applicable Marina del Rey traffic impact assessment fees described earlier;

iv. Lincoln Boulevard and Fiji Way - Widen the eastbound Fiji Way approach to Lincoln Boulevard to provide an additional left-turn lane at Lincoln Boulevard. This measure is identical to the improvement described in Appendix G (TIP) of the Marina del Rey LIP; and

v. Admiralty Way and Mindanao Way - Widen northbound Admiralty Way to provide a right-turn lane at Mindanao Way. Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way. In addition, modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way and has already been approved as part of a previous project (Marina Two).

The certified Environmental Impact Report also identified improvements that would mitigate cumulative traffic impacts at the five impacted intersections that are not entirely located in the County's jurisdiction and control. If the County, the City of Los Angeles, and Caltrans agree on a funding mechanism to implement the recommended traffic improvements

at these five intersections prior to building occupancy, the Applicant, where appropriate, will pay its fair share of required transportation improvements.

23. Prior to the public hearing on the Project Permits and associated Draft Environmental Impact Report ("DEIR") before the Regional Planning Commission ("Commission"), a legal notice was published in the local newspaper, *The Argonaut*, on December 1, 2005. On December 7, 2005, staff also mailed 1,798 hearing notices to property owners and tenants within 500 feet of the subject property, and to interested parties. The Applicant posted a hearing notice sign on the subject property prior to 45 days in advance of the public hearing before the Commission.

24. The Commission held a duly noticed initial public hearing on the Project Permits and associated DEIR on January 25, 2006, which hearing was successively continued by the Commission to March 1, 2006, April 19, 2006, and June 7, 2006. At the conclusion of the June 7, 2006 public hearing, after its thorough consideration of all of the written evidence and verbal testimony received over the course of the public hearing, the Commission voted to close the public hearing, expressed its intent to approve the Project Permits, and directed staff to prepare draft findings and conditions and the Final Environmental Impact Report ("FEIR") for its consideration. On December 13, 2006, the Commission voted to certify the FEIR for the project and approve the final findings and conditions for the Project Permits.

25. During the public hearing for the Project Permits before the Commission, a number of persons spoke both in favor of and in opposition to the project. The Commission also received a number of letters and emails both in favor of the project and against the project, each of which has was incorporated by staff into the administrative record for the subject case.

26. Written correspondence and verbal testimony presented to the Commission in favor of the project generally focused on the need to redevelop the aging leasehold in order to infuse needed contemporary high-quality apartments into the local housing market; that the project is wholly compliant with the various development regulations of the certified LCP; that the project's environmental review was conducted in strict conformance with the California Environmental Quality Act ("CEQA"); and that the project's on-site provision of affordable housing units, as ultimately proposed (i.e., 37 moderate-income "replacement" units and 17 very low-income "inclusionary" units), is wholly consistent with California Government Code sections 65590 and 65590.1 (the State "Mello Act")

27. Written correspondence and verbal testimony presented to the Commission in opposition to the project generally focused on the alleged negative environmental consequences the project would cause to the local community (e.g., increased traffic on local streets and other infrastructure impacts; proposed height and mass of the apartment building are out-of-character with surrounding

development; and the alleged negative shade, air circulation and visual impacts the project would cause to nearby condominium residents to the west of the project site); alleged violations of CEQA that would occur with approval of the project; and the project's alleged inconsistency with the Mello Act.

28. The two appeals of the Commission's approval of the Project Permits were filed by:

A. Legal Aid Foundation of Los Angeles and the Western Center on Law & Poverty (hereinafter collectively referred to as "POWER's representatives"), on behalf of People Organized for Westside Renewal ("POWER"); and

B. Richard I. Fine, Esq. (hereinafter referred to as "the HOA's representative"), on behalf of the Marina Strand Colony II Homeowners' Association.

The subject appeals were filed in compliance with the appeal procedures codified in Part 5 of Chapter 22.60 of the County Code.

29. The proposed development is subject to the Mello Act, which provides, in pertinent part, that, within the coastal zone: (a) the demolition of existing residential dwelling units occupied by persons and families of low- or moderate-income shall not be authorized unless a provision has been made for the replacement of those dwelling units for persons of low- or moderate-income (i.e., "affordable replacement" dwelling units); and (b) new housing developments shall, where feasible, provide housing units for persons and families of low- or moderate-income (i.e., "affordable inclusionary" dwelling units).

30. In 2002, the Board adopted the Mello Act Affordable Housing Policy-Marina del Rey ("2002 Policy"), which requires developers to provide 10 percent of a project's units as low-income affordable inclusionary units. The 2002 Policy allows developers to pay a fee in lieu of providing affordable inclusionary units in cases where: (a) the developer demonstrates that the provision of affordable inclusionary units on-site would make the project infeasible; and (b) there is no means for the County to make economic concessions to accommodate the affordable inclusionary units on-site.

31. In accordance with the 2002 Policy, the Applicant originally proposed to pay an in-lieu fee of approximately $3.6 million. The 2002 Policy, which was in place four years ago when the Applicant first signed a term sheet with the County for the subject project, reflected County public policy priorities and objectives at that time.

32. The first public hearing session for the Project Permits before the Commission, on January 25, 2006, provided an opportunity for the County to reassess the

2002 Policy. Since the Board's adoption of the Policy in 2002, the County's public policy priorities had shifted toward requiring the provision of affordable housing on-site in new housing projects within Marina del Rey.

33. On April 4, 2006, the Board adopted a motion instructing the Chief Administrative Officer to form and lead a task force comprised of the Department of Regional Planning ("DRP"), Community Development Commission ("CDC") and County Counsel, working in conjunction with the Department to Beaches and Harbors ("DBH"). The purpose of this Affordable Housing Task Force for Marina del Rey ("Task Force") was to review the 2002 Policy and recommend revisions necessary to ensure compliance with the Mello Act. In its motion, the Board also directed the Task Force to report back to the Board within 60 days with a revised affordable housing policy for the Board's consideration. It is anticipated that the Board will adopt this revised affordable housing policy in 2007, after further review and public input.

34. As part of its motion, the Board also authorized the subject project to proceed prior to the Board's formal adoption of the revised affordable housing policy for Marina del Rey. The Board instructed the Director of Beaches and Harbors to discuss on-site low-income housing opportunities with the Applicant and bring back to the Board, within 30 days, an amended leasehold agreement pertaining to the subject Parcels 100 and 101, as necessary to ensure the project's full compliance with the Mello Act.

35. During the public hearing for the Project Permits before the Commission, the Applicant submitted a letter to the Commission (dated April 10, 2006) formally rescinding its proposal to pay the affordable housing in-lieu fee, calculated under the 2002 policy to be approximately $3.6 million which proposal had initially been made by the Applicant in compliance with the 2002 Policy.

36. The Applicant informed the Commission that it would conduct a detailed income survey of its existing apartment tenants residing on the subject property to determine whether any of the existing dwelling units were eligible for replacement pursuant to Mello Act requirements.

37. On May 22, 2006, the Applicant submitted a letter summarizing the process it had utilized, in consultation with the Task Force, for determining affordable replacement units. In consultation with the Task Force, the Applicant prepared a "Coastal Housing Tenant Questionnaire and Tenant Financial Information Form."

38. On or about May 1, 2006, the Applicant mailed via U.S. Certified Mail the Task Force-approved Coastal Housing Tenant Questionnaire and Tenant Financial Information Form to each of the tenants of the Del Rey Shores Apartments complex developed on the subject property. The Applicant followed up by telephone with all tenants who did not respond to the mailed survey, using a County-approved telephone script to elicit additional tenant responses.

39. The Task Force established a three-step process for determining replacement unit eligibility for the existing units developed on the subject property, as follows:

A. Current tenant income information from the tenant survey was first used;

B. If the tenant did not return the survey after the requested return date, despite follow-up telephone calls, the guidelines required the use of tenant income information less than two years old on-file with the landlord; and

C. When this information was not available, the rent for the unit was to then be compared to the 2006 affordable rent levels established by the State Department of Housing and Community Development ("DHCD"). In these cases, any unit rents that were below the moderate-, low-, or very low-income levels defined by the DHCD would be used to classify that unit for replacement.

40. Based on the foregoing criteria, the Applicant determined that 38 units qualified as replacement units.

41. The Commission analyzed the Applicant's tenant income survey methodology and results and found them to be valid and in full compliance with the requirements of the Mello Act.

42. In a letter to the Commission (dated May 30, 2006), CDC confirmed that it had conducted an audit of the tenant survey information submitted by the Applicant. The CDC hired DRA, Inc. (an independent consulting firm), to review all files with CDC staff. While the audit determined that the replacement unit estimate was correct, there was further discussion regarding the counting of tenants covered by a rental agreement. It was subsequently determined that if only those tenants covered by a rental agreement are included, this would result in 37 replacement units. CDC thus recommended 37 moderate income replacement units. These include 27 one-bedroom and 10 two-bedroom units. The Commission concurred with the CDC's recommendation and required the Applicant to provide 37 moderate-income affordable replacement units in the subject development.

43. As noted, the 2002 Policy includes an affordable inclusionary goal of 10 percent low-income units. The 10 percent goal does not, however, take into account the Mello Act's replacement housing obligations because the 2002 Policy is silent regarding the replacement housing obligation. The Mello Act clearly requires housing developments to provide on-site affordable inclusionary units only "where feasible." The Board finds that the Commission correctly concluded that determination of whether it is feasible to provide affordable inclusionary dwelling units must necessarily take into account a project's replacement housing obligation, because the number of replacement units required will have a direct bearing on the feasibility of providing affordable inclusionary units. As noted, the 2002 Policy also gives developers the ability to pay a fee in lieu of providing the affordable inclusionary units on-site. The draft revised affordable housing policy

for Marina del Rey, which the Board expects to consider later this year, would, as currently written, replace the 2002 Policy's 10 percent inclusionary goal and in lieu fee option with an inclusionary requirement of five percent of the net new units affordable to very low-income tenants or 10 percent of such units affordable to low-income tenants. Based on the foregoing, the Board finds that it is inappropriate to apply the 2002 Policy to the subject project.

44. The Mello Act does not specify a formula, specific number, or percentage of required affordable inclusionary dwelling units. Nor does the Mello Act require that these units be set aside for a particular income category (i.e., low- or moderate-income).

45. As noted, the Applicant proposes the demolition of 202 existing units and redevelopment of 544 units on the same site, an incremental increase of 342 units. Throughout the environmental review process, the impact of the project has been consistently defined by an evaluation of the incremental (or "net") increase between the existing project and the proposed project. Furthermore, as described above, the 202 existing units are subject to the replacement unit requirements of the Mello Act, which assures that the project will include that same number of affordable housing units as currently exist at the site. As further noted, the Mello Act does not specify any formula for complying with the affordable inclusionary requirement. Therefore, the Commission appropriately concluded that it is fair, reasonable, and consistent with the Mello Act to determine the number of affordable inclusionary dwelling units, "where feasible," based upon the net increase in the number of units attributable to redevelopment; for the subject project, this net increase amounts to 342 units.

46. Based upon the recommendation of the Task Force, the Commission found that it is feasible, in addition to the 37 moderate-income affordable replacement units being provided in the project, for the Applicant to provide 17 very low-income affordable inclusionary units within the project. The Applicant's provision of 17 very low-income affordable inclusionary units represents five percent of the net incremental new units to be constructed on the subject property. The Commission correctly found this affordable inclusionary calculation approach to be consistent with current State density bonus law, which requires a density bonus for projects that provide either 10 percent of the units as low-income units or five percent as very low-income units. Moreover, in providing very low-income housing on-site, the Commission found that the project will address members of the population most in need of affordable housing.

47. In their appeal to the Board, POWER's representatives maintain that the Commission erred in approving the Project Permits because the project's inclusionary affordable housing contribution is out of compliance with the Mello Act. POWER's representatives contend that the project is out of compliance with the Mello Act in this regard because, they maintain, it is feasible for the developer to provide more affordable inclusionary dwelling units on-site in the project than the 17 very low-income affordable inclusionary units approved by the

Commission. In essence, POWER's representatives contend that the Mello Act requires developers to provide the maximum number of inclusionary affordable dwelling units that may feasibly be developed in a given housing project in the coastal zone.

48. As noted, the Mello Act requires projects to provide on-site affordable inclusionary units only "where feasible." The Mello Act defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, social, and technical factors." As further noted, the Mello Act does not specify a formula, specific number, or percentage of required affordable inclusionary dwelling units. Nor does the Mello Act require that these units be set aside for a particular income category (i.e., low- or moderate-income). In surveying other cities and counties in the coastal zone, the Task Force found that different jurisdictions have established varying approaches to meeting the Mello Act's affordable inclusionary requirement.

49. The Board finds that the County-sanctioned analysis of inclusionary affordable housing requirements for the subject project appropriately concluded, in full conformance with the requirements of the Mello Act, that it is feasible for the Applicant to provide 17 very low-income units on-site in the project. This analysis was performed in connection with the ground lease negotiations between County staff and the Applicant and is also set forth in the February 25, 2007 report from The Maxima Group and the February 27, 2007, memorandum from the County's outside consultant, Keyser Marston. The analysis concludes that the Applicant can provide the 17 very low-income inclusionary units, but only with a ground rent credit from the County of $11.05 million. The Board further finds that the County-sanctioned analysis utilized the appropriate criteria for determining feasibility, rent levels, and construction cost data. Specifically, the Board finds that a return on cost of 7 to 7.5 percent, which is based on comparable sales in the Marina and surrounding market as well as nationwide market surveys, is the appropriate benchmark to measure feasibility.

50. The Board finds that, based on the expert analysis and other information in the record, it would not be feasible for the Applicant to provide any additional affordable inclusionary units without additional rent credits, which would deprive the County of general fund revenues that could be used to meet other County public policy objectives, such as health care. The Board has weighed the competing public policy objectives and finds that the $11.05 million rent credit is the maximum subsidy that the County is prepared to provide to subsidize on-site affordable housing in this project.

51. POWER's representatives provided oral and written testimony contending that it would be feasible for the project to provide up to 90 very low-income units. The Board finds that this testimony is not accurate or credible because POWER's representatives provide no market or other relevant data to support their assumptions. Moreover, their analysis improperly calculates return on cost in the following two ways:

A. POWER's representatives use the future stabilized year (2010) net operating income to calculate the return on cost, but then compare the calculated return to a 2007 market return. The Board concurs with the findings of County staff and the County's independent economic experts that, using this approach, the future return must be adjusted upward by adding a "risk premium" or additional return to reflect future risks, which, for the subject project, include the construction, lease-up, capital market, and market risks associated with new development; and

B. POWER's representatives' calculated return on cost in 2010 is based on the incorrect assumption that the project would not have to pay any ground rent, which is contrary to County policy. The Board also concurs with the findings of County staff and the County's independent economic experts that return on cost is the appropriate measure of feasibility, and that equity internal rate of return (IRR) is not an appropriate measure of return for a development project on a ground lease, particularly given that the total remaining term of the lease is less than 54 years.

52. The Board has considered all of the oral testimony and written correspondence of POWER and its representatives and finds that such testimony and correspondence do not constitute substantial evidence, but instead consist entirely of argument, speculation, unsubstantiated opinion, or narrative or evidence which is clearly erroneous or inaccurate.

53. The Board finds that the Commission correctly concluded that the Applicant's on-site provision of 17 very low-income inclusionary units is fully compliant with the Mello Act's affordable inclusionary housing requirement. Moreover, the Board finds that the approved Coastal Development Permit for the subject project appropriately insures the Applicant's long-term provision of the affordable inclusionary units by requiring the Applicant to enter into a covenant with the County stipulating that these 17 affordable inclusionary dwelling units shall be maintained on the subject property at the very low-income affordability level for a term of no less than 30 years, and that these units shall be reasonably dispersed throughout the project.

54. In their appeal, POWER's representatives maintain that the Commission erred in determining the number of affordable replacement units because it did not use information obtained from tenant surveys for all the units.

55. The Mello Act provides that existing residential units "occupied by persons or families of low or moderate income" are subject to the replacement unit requirement. The Mello Act does not, however, specify any particular methodology for determining which units are occupied by such persons or families. Rather, the Mello Act provides local jurisdictions with the discretion to implement the Act's requirements.

56. The Board finds that the Commission properly relied on the income survey, reasonable guidelines established by the Task Force for analyzing the tenant income survey information, and reasonable criteria for determining affordable replacement units from the County Chief Administrative Office in determining the subject project's replacement unit requirement. The Board further finds that the Applicant used all reasonable good faith efforts to obtain tenant income information; however, a number of tenants declined to provide such information. Rather than exclude these tenants from the replacement unit requirement, the Board finds that the Commission properly looked to recent income information on file with the Applicant, and, as a last resort where this income was unavailable, to current rent levels. This resulted in a greater inclusionary obligation than if the Commission had relied solely on income information provided by tenants, as requested by POWER's representatives.

57. The Board finds that the approved Coastal Development Permit for the project appropriately insures the Applicant's long-term provision of the project's affordable replacement units by requiring the Applicant to enter into a covenant with the County stipulating that these 37 affordable replacement units shall be maintained on the subject property at the moderate-income affordability level for a term of no less than 30 years, and that these units shall be reasonably dispersed throughout the project.

58. In their appeal, POWER's representatives contend that the Commission erred in exempting the units that are occupied by resident managers at the existing Del Rey Shores apartments from the Mello Act's replacement unit requirement.

59. The Mello Act does not prescribe how local jurisdictions are to assess replacement unit eligibility in instances when existing units are occupied by resident managers. The Board finds that the Commission appropriately concluded that three manager-occupied units (and not four as maintained in the appeal) are not subject to the Mello Act's replacement unit obligation because resident managers are employees whose compensation usually includes free rent and are not typically considered tenants under landlord-tenant law. In this instance, the Commission appropriately excluded the three units with resident managers from the replacement unit requirement because the Mello Act focuses on providing replacement units for units occupied by tenants, not employees.

60. In their appeal, POWER's representatives maintain that the Commission improperly excluded from the replacement unit requirement six units occupied by students who were dependent on the income of their parents.

61. The Mello Act does not prescribe how local jurisdictions are to assess replacement unit eligibility for units occupied by students claimed as dependents by their parents. The Board finds that the Commission appropriately excluded from the affordable replacement unit requirement the four units (and not six as maintained in the appeal) occupied by students who are financially dependent on their parents. The Board concurs with the Commission's recognition that

students generally have greater financial resources than the low- and moderate-income tenants that the Mello Act is intended to address. Moreover, by providing parent financial information or guarantees, the students are using their parents financial resources to induce the landlord to rent the unit. But for their parents' financial assistance, the students would not have qualified for the units and would not now be tenants of the existing complex. The Board finds that it would have been inappropriate for the Commission to ignore this information for the purposes of determining replacement unit status per the Mello Act.

62. In their appeal, POWER's representatives contend that the Commission erred in excluding vacant units from consideration as affordable replacement units.

63. The Mello Act expressly limits the replacement unit obligation to those units actually "occupied by persons or families of low or moderate income." (Emphasis added) Government Code section 65560(b). Consistent with the Mello Act, the Task Force reviewed all evictions from the existing units since May 1, 2005. The Applicant provided copies of court judgments showing that the two evictions during this period were for nonpayment of rent. The Board thus finds that the Commission relied on valid information regarding evictions and a correct interpretation of the Mello Act's language in appropriately excluding all of the 13 vacant units from consideration as replacement units.

64. In their appeal, POWER's representatives maintain that the Commission improperly eliminated 10 units as replacement units by considering combined incomes for unmarried couples living together.

65. The Mello Act contemplates aggregating incomes of families and households in a unit for the purposes of determining whether the unit is an affordable replacement unit. Significantly, however, the Mello Act does not provide any criteria for determining which tenants are to be considered families and households.

66. In the present case, the Commission reasonably considered a unit occupied by a married couple to be a single household. As families can exist outside of the traditional marriage relationship, Point No. 6 of the May 11, 2006 "Del Rey Shores Income Survey Guidelines" read:

> "Unmarried and unrelated occupants who wish to be treated as separate individuals rather than a household must declare under penalty of perjury the following: 1) they are not registered domestic partners; 2) they do not receive employment benefits (i.e., health insurance, etc.) from the other party; 3) they do not share a bank account; or 4) they do not own any property together."

The Board finds that the Commission appropriately relied on these criteria in determining which tenants should be considered families or households for the purposes of determining the Applicant's affordable replacement unit obligation for

the project. Only three units with unmarried couples were excluded as replacement units due to income aggregation (not 10 units, as incorrectly stated by POWER's representatives).

67. In their appeal, POWER's representatives maintain that the Commission erred by improperly allowing for the replacement of two bedroom units with a one-bedroom unit in cases where only one tenant is of low- or moderate- income.

68. The Mello Act provides that if an existing unit is occupied by more than one person or family, the replacement housing obligation is required if at least one person or family is of low- or moderate-income; however, the Mello Act does not prescribe how the replacement housing obligation applies to portions of units. In the present case, the Commission determined that in the two cases where two unrelated people occupied a two-bedroom unit, but where only one of the persons in each such unit was of low- or moderate-income, it was appropriate for the replacement obligation to be two, one-bedroom units rather than two, two-bedroom units. The Board finds that the Commission was correct in concluding this to be a fair and reasonable approach that is consistent with the Mello Act.

69. In their appeal, POWER's representatives argue that it was unlawful for the Commission to have approved the replacement of all units deemed to qualify as affordable replacement units with units targeted to moderate-income households; POWER's representatives assert that the Mello Act instead requires a "like-for-like" replacement approach whereby replacement units are to be targeted to the same income level as the units lost to demolition.

70. The Mello Act states that units occupied by low- or moderate-income persons or families may not be converted or demolished "unless provision has been made for the replacement of those dwelling units with units for persons or families of low- or moderate-income." The Board finds that the Commission correctly concluded that this language does not require a "like-for-like" replacement (i.e., replacing existing units occupied by very low- or low-income tenants with new units at the same affordable income level). Rather, the Board concurs with the Commission's conclusion that the Mello Act allows for replacement of existing units occupied by very low- or low-income tenants with units targeted at the moderate-income level. Therefore, the Board finds that the Commission lawfully required, in full conformance with Mello Act requirements, that the project's 37 affordable replacement units be made affordable to individuals or households with moderate incomes, as defined in Health & Safety Code section 50093.

71. Based upon the expert analysis set forth in the March 5, 2007 letter from the Maxima Group and other evidence in the record, the Board finds that (a) requiring "like-for-like" replacement units would reduce the annual rentals from the project by $323,918 per year, and (b) this rent reduction would render the project infeasible without an additional $4.15 million in rent credits from the

County. As noted above, in the present case, the Board has carefully weighed the competing public policy objectives and has determined that additional rent credits are not warranted.

72. In their appeal, POWER's representatives contend that the Commission erred by not requiring that the affordable housing units be reasonably dispersed throughout the project.

73. The Board finds that the Commission appropriately required, expressly in Condition No. 1.a of the approved Coastal Development Permit, that the 54 affordable housing units to be provided in the project be dispersed throughout the project.

74. In their appeal, POWER's representatives argue that the Commission erred by basing the calculation of the affordable inclusionary units for the project on the net increment of new units to be constructed on the site.

75. As noted, throughout the environmental review process, the impact of the project has been consistently defined by an evaluation of the incremental (or "net") increase between the existing project and the proposed project. Furthermore, as described previously, the 202 existing units are subject to the replacement unit requirements of the Mello Act, which assures that the project will include that same number of affordable housing units as currently exist at the site. Further, the Board finds that the Mello Act does not specify any formula for complying with the affordable inclusionary requirement. The Board therefore finds that the Commission rightly concluded that it is fair, reasonable, and consistent with the Mello Act to determine the number of affordable inclusionary dwelling units, "where feasible," based upon the net increase in the number of units attributable to redevelopment; for the subject project, this net increase amounts to 342 units.

76. In their appeal, POWER's representatives charge that the Commission erred by refusing to consider a density bonus for the project as a means to "assist with Mello Act compliance."

77. The Board finds that the Commission, expressly in Finding No. 57 of its decision, gave due consideration to and appropriately rejected as infeasible a density bonus option for the project.

78. In his appeal to the Board, the HOA's representative claims the Commission violated CEQA and abused its discretion in approving the Project Permits and in certifying the FEIR because the height and massing of the approved project will be incompatible with surrounding development and will purportedly result in significant shade and shadow impacts to condominiums situated westerly of the subject property.

79. The Board finds that there is credible evidence in the record, including the certified FEIR and a detailed shade and shadow analysis, to support the

Commission's appropriate conclusion that the height and massing of the approved project can be deemed to be compatible with surrounding development, and that the approved project will not result in a significant shade impact to the condominiums situated westerly of the subject property. The FEIR provides appropriate responses to appellant's comments respecting the project's purported physical incompatibility with surrounding development in the Introduction to Response to Comments Issue Number 2 (pages 3.0-4 and 3.0-5 of the FEIR) and at pages 3.0-117 and 3.0-137. Moreover, the FEIR provides appropriate responses to appellant's comments respecting purported shade and shadow impacts in the Introduction to Response to Comment Issue Number 4 (pages 3.0-11 to 3.0-12 and Figures 5A and 8) and at page 3.0-17.

The Board considered oral testimony and exhibits at the public hearing provided by the Applicant's representative demonstrating that the face of the project's buildings will be articulated and stepped back a maximum of more than 20 feet above the parking structure. The Board finds that this articulation and step back, in combination with landscaping to be installed by the Applicant along the project's Dell Avenue frontage, will reduce the effects of the increased massing as compared to the existing apartments and will help assure that the project will not be incompatible with the scale of the condominiums situated westerly of the subject property. The Board has therefore expressly conditioned the project to conform to the articulation and massing exhibits included in the administrative record.

In light of the above, the Board finds that the Commission neither violated CEQA nor abuse its discretion in finding the approved project to be compatible with surrounding development, and in finding that the approved project would not result in significant shade and shadow impacts to multi-family condominium development located westerly of the subject property.

80. In his appeal, the HOA's representative alleges that the Commission erred in voting to certify the project FEIR without first re-circulating the document for additional public review and comment after the Commission had approved changes to the project parking, grading plan, and access points.

81. The Board finds that the Commission did not err in this regard. CEQA Guidelines section 15088.5 requires recirculation of an Environmental Impact Report ("EIR") only if significant new information is added after circulation of the DEIR. Section 15088.5 states:

> "New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. Recirculation is not required where

the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications of an adequate EIR."

The Board finds that the project EIR fully analyzed the environmental consequences of the minor project changes regarding parking, grading, and access. The Board finds, moreover, that the FEIR appropriately concludes that these minor changes would not result in a new significant impact or a substantial increase in the severity of an impact, and that the new information made insignificant modifications to an already adequate EIR. Finally, the Board finds that credible evidence in the record, including a revised air quality analysis reflecting the new grading plan, a revised site plan showing the modified access scheme, and a parking management plan fully addressing the minor parking modifications, supports the Commission's decision not to re-circulate the EIR.

82. In his appeal and in testimony at the public hearing, the HOA's representative asserts that the Commission erred in approving the Project Permits and in certifying the FEIR because the EIR's traffic analysis and mitigation measures are allegedly inadequate in the following ways: a) the LCP's "cap" on new vehicle trips in the Marina has been exceeded; b) the traffic analysis used improper rates of traffic growth; c) the traffic study should have analyzed Year 2025 conditions; d) the LCP does not allow contribution into the TIP fund as mitigation; and e) the project traffic study improperly relied upon outdated information.

83. The Board finds that the administrative record includes credible evidence, including the certified FEIR, the detailed traffic study by a qualified expert based on actual traffic counts, Staff Reports and testimony from County staff and oral and written testimony from the Applicant's representative, refuting the HOA's representative's allegations regarding the purported inadequacy of the project traffic analysis and prescribed traffic mitigation measures. With respect to the appellant's claim that the project will cause an exceedance of the certified LCP's trip cap, the FEIR provides appropriate responses at pages 3.0-93, 3.0-118, 3.0-125, 3.0-126 and 3.0-127. Contrary to the appeal, the LCP's trip cap applies only to net traffic generated by new Phase II development within the Marina and not to all trips that may pass through area intersections. Nor does the trip cap apply to unapproved projects; many of the Marina developments cited by the appellant have not yet been approved. Nonetheless, the traffic analysis in the EIR considered the cumulative impacts of all reasonably foreseeable pending projects within and outside the Marina. With respect to the appellant's claims regarding the purported inadequacy of traffic growth rates utilized in the project traffic study, appropriate responses are provided in Response to Comment Issue Number 5 and at pages 3.0-19 to 3.0-20 and at pages 3.0-94, 3.0-104 to 3.0-106 and 3.0-139. With respect to the appellant's claims regarding the purported inadequacy of the time horizon analyzed in the project study, the FEIR provides appropriate responses at page 3.0-94. With respect to the appellant's claims

regarding the purported inadequacy of utilizing trip fees as proper mitigation, the FEIR provides appropriate responses in Response to Comment Issue Number 5 and at pages 3.0-106, 3.0-125 and 3.0-127. Finally, with respect to the appellant's claim that the FEIR's traffic analysis was based on outdated information, staff from the Traffic & Lighting Division of the County Department of Public Works testified at the public hearing that the traffic study was based on current traffic counts and not count information from the 1991 DKS study. While the EIR did use the traffic generation rates from the DKS study, these rates are based on empirical studies of actual Marina traffic and are considered to be the most accurate information available. The appellants have not provided any evidence that these rates are in any way inaccurate.

84. In his appeal, the HOA's representative maintains that the Commission erred in certifying the FEIR because the document does not adequately address operational air quality impacts on Dell Avenue that will allegedly be caused due to project traffic increases. The HOA's representative also contends that the approved project will create a significant air pollution impact to the properties to the west of the subject property by preventing movement of air, thereby allowing pollutants to concentrate.

85. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed air quality analyses and wind study prepared by experts, to support the Commission's appropriate conclusion that the FEIR is accurate in its assessment that the project will not result in any significant air quality impacts during project operation, including any impacts on Dell Avenue or the properties to the west of the subject site. Appropriate responses to the HOA's representative's claims regarding these issues are provided at page 3.0-92 of the FEIR (no significant air quality impact on Dell Avenue as result of project operation) and at pages 3.0-8 and 3.0-9 of the FEIR (no significant air quality impact to residences developed westerly of subject property as result of project operation).

86. In his appeal, the HOA's representative claims that the wind study which the Commission relied upon in approving the Project Permits and certifying the FEIR is flawed because it does not adequately consider effects the project will have on boats in their berths.

87. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed wind study prepared by an expert in the wind engineering field, RWDI, Inc., to support the Commission's appropriate conclusion that the project will not result in any significant wind impacts, including impacts on sailing vessels in the basins of Marina del Rey. The Board finds that the Commission appropriately relied on this expert evidence in certifying the project FEIR. Appropriate responses to the HOA's representative's claims regarding this issue are provided in the Introduction to Response to Comment Issue Number 3 and at pages 3.0-8 to 3.0-10, 3.0-104, and 3.0-125 of the FEIR.

88. In his appeal, the HOA's representative contends that the Commission erred in approving the Project Permits and in certifying the FEIR because the project will result in significant geologic/geotechnical impacts due to the presence of fill underlying the subject property and abandoned oil wells on the subject site. The HOA's representative also maintains that, during an earthquake, the approved structures will have the potential to collapse on his clients' condominiums situated westerly of the subject site.

89. The Board finds that the administrative record includes credible evidence, including the certified FEIR and the preliminary geotechnical investigation prepared by a licensed civil engineering firm, refuting the HOA's representative's claims regarding the project's purported geologic/geotechnical impacts. With respect to the appellant's claim that adverse geologic impacts will result from fill underlying the subject property, appropriate responses are provided in the FEIR at pages 3.0-89 and 3.0-90. With respect to the appellant's claim regarding potential adverse impacts caused by abandoned oil wells on the subject property, appropriate responses are provided at pages 3.0-90 to 3.0-91 and 3.0-118 of the FEIR. With respect to the appellant's contention that the approved structures will have the potential to collapse during an earthquake, appropriate responses are provided in the FEIR at pages 3.0-91 and 3.0-104 to 3.0-119. The Board concludes that the Commission properly found, based on substantial evidence provided in the EIR, that, with implementation of mitigation measures identified in the EIR, compliance with County building and technical code requirements and County oversight as part of the building permit process, the approved project will not result in any significant geologic or geotechnical impacts, including any impacts respecting fill materials, abandoned oil wells, and risk of building collapse.

90. In his appeal, the HOA's representative maintains that the Commission erred in approving the Project Permits and in certifying the FEIR because the FEIR fails to adequately analyze potential risks posed by methane gas in the soils underlying the subject property.

91. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed Soil Gas Letter Report and preliminary geotechnical investigation prepared by qualified experts, to support the Commission's conclusion that the approved project will not result in any significant methane impacts, including risk of explosion, as fully addressed in the FEIR. The FEIR provides appropriate responses to the HOA's representative's claims regarding methane gas at pages 3.0-90, 3.0-91, and 3.0-137.

92. In his appeal, the HOA's representative claims that the Commission erred in approving the Project Permits and in certifying the FEIR because the project EIR fails to address project operational noise impacts and does not require noise mitigation measures targeted to lessen such impacts.

93. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed noise analysis by a qualified expert, to support the Commission's appropriate conclusion in the FEIR that the approved project will not result in any significant operational noise impacts and that mitigation measures to lessen such impacts are thus unnecessary for the project. The FEIR provides appropriate responses to the HOA's representative's claims regarding noise impacts at pages 3.0-90, 3.0-91 and 3.0-137.

94. In his appeal, the HOA's representative maintains that the Commission erred in approving the Project Permits and in certifying the FEIR because the Project Permits and/or FEIR allegedly do not require the Applicant to fund all of the cost of needed water and sewer infrastructure improvements.

95. The Board finds that administrative record includes credible evidence, including the certified FEIR and the detailed sewer availability and water availability analyses prepared by a licensed civil engineering firm, to support the Commission's determination in the FEIR that the project will not result in any significant water or sewer impacts. Appropriate responses to the appellant's claims regarding water and sewer infrastructure impacts are provided at pages 3.0-106, 3.0-107, 3.0-127, and 3.0-138 of the FEIR. Moreover, the Applicant's conformance with the conditions of approval of the Project Permits will ensure the project's compliance with the infrastructure improvement requirements of the certified LCP and County Department of Public Works, including all such requirements related to water and sewer service for the approved project.

96. In his appeal, the HOA's representative contends that the Commission erred in approving the Mitigation Monitoring Program ("MMP") for the project because the MMP allegedly fails to meet CEQA requirements in not providing a time limitation for the Applicant to arrange for a hauling company to dispose of construction waste.

97. The Board finds, contrary to the HOA's representative's claim, that the Commission's adopted MMP expressly requires the Applicant to implement a timely construction waste hauling program, and that the adopted MMP appropriately identifies the County Department of Public Works as the responsible agency for determining the Applicant's compliance with this requirement.

98. In his appeal, the HOA's representative claims that the alternatives analysis in the EIR improperly failed to consider a 300-plus-unit alternative. The Board finds that, contrary to this claim, the EIR did consider a 303-unit alternative which involved rehabilitation of the existing units. The Board further finds that the HOA's representative failed to demonstrate that the suggested alternative has substantial environmental advantages over subject project or the alternatives analyzed in the EIR.

99. The EIR analyzed five separate alternatives, including a 350-unit alternative that was added to the Final EIR in response to comments from the appellant. The Board finds that the Commission properly found that the EIR considered a reasonable range of alternatives in compliance with CEQA.

100. In his appeal, the HOA's representative disputes the Commission's reasons for rejecting the alternatives, contending that there is no need for more housing in the Marina. The Board finds that there is a need for more housing, especially affordable housing, in the County, and that EIR properly identified increased housing as a key project objective. The Board finds that the Commission properly rejected those alternatives that would provide less housing, in part because these alternatives did not meet this key project objective as fully as the subject project.

101. The Board also finds that the project alternatives involving fewer units would also generate less ground rent than the subject project and that the Commission properly rejected the less-dense alternatives on this additional ground.

102. In his appeal, the HOA's representative claims that the Commission improperly adopted the statement of overriding considerations in approving the project. The Board finds that, in accordance with Public Resources Code section 21081(b), the Commission properly found that specific economic, legal, social, technological, or other benefits of the project outweigh the project's significant impacts on the environment. These benefits include providing increased housing in the coastal zone, including affordable housing, replacing the existing, outdated apartments with new, contemporary development, implementing traffic mitigation, creating construction and permanent jobs and providing additional revenues to the County in the form of increased ground rent. The Board finds that there is credible evidence in the record, including the FEIR, Staff Reports and oral and written testimony by the Applicant and its representatives, that the project will provide such benefits.

103. The Board has considered all oral testimony and written correspondence from the HOA and its representative and finds that this testimony and correspondence fail to identify any substantial evidence that the FEIR does not meet the requirements of CEQA, and fail to identify any substantial evidence requiring recirculation of the FEIR pursuant to CEQA Guidelines section 15088.5. The Board finds that there is no credible evidence in the record that the supposed environmental impacts set forth in the appellant's testimony and correspondence will in fact occur, but there is credible evidence rebutting such testimony and correspondence. The appellant has offered no expert testimony or any evidence that the appellant or its various representatives are experts or have any special expertise with respect to the subject matter of their testimony or correspondence. The Board further finds that such oral testimony and written correspondence do not constitute substantial evidence, but instead consist entirely of argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly

erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

104. The Applicant has requested a parking permit to authorize the provision of compact parking for a portion of the on-site apartment parking. The Applicant asserts that compact parking is needed in order to maximize on-site parking and to provide more space for landscaping.

105. According to Section 22.52.1180 of the County Code, parking spaces for apartments shall be standard size unless compact are allowed by a parking permit. Of the 1,088 parking spaces to be provided in the project, 742 standard parking spaces and 328 are compact parking spaces. All of the compact parking spaces provided in the project will be compact in length only (i.e., 15 feet long instead of the standard 18-foot length); however, each compact parking space will maintain the width of a standard space (i.e., 8½ feet wide). Moreover, of the 1,088 spaces, 514 spaces are proposed in a tandem configuration.

106. The Applicant has submitted into the administrative record a parking management plan and detailed plans of the apartment parking garage. The Applicant's parking management plan, dated February 15, 2006, and titled "Shores Apartment Complex Project: Parking Management Plan," was prepared for the Applicant by Walker Parking Consultants, a recognized expert in the parking management field. The parking management plan appropriately addresses proposed parking layout, security, method of operation, and parking space allocation. The Applicant has satisfied the Board that project parking will be allocated and managed pursuant to a legitimate parking management program, which will ensure the efficient and safe distribution of compact and standard parking spaces within the parking garage. The Board also finds that "spill-over" parking onto adjacent streets will not occur because the project provides a sufficient number and appropriate arrangement of on-site parking spaces, consistent with the County Code requirements.

107. The Applicant has also requested a variance for the construction and maintenance of signage in excess of the County Code requirements. Signage is concentrated primarily on the northeasterly portion of the site. The Applicant states that a variance modifying sign standard is principally justified in this case in order to provide sufficient visibility to prospective tenants and visitors to the site, and to allow a similar right enjoyed by comparable projects within the vicinity of the site.

108. Section 22.46.1060.D.2 of the County Code refers sign regulations for each Marina del Rey land use category to those of a particular zone. Standards for the subject Residential V land use category are tied to R-4 zoning signage requirements. According to Section 22.52.930 of the County Code (sign requirements for the applicable R-4 Zone), one wall mounted business

identification sign, not to exceed six square feet in sign area, is permitted by right for the proposed project. The Applicant maintains that this very limited signage allowance is overly restrictive and inadequate for a contemporary apartment complex of the size and stature of the proposed project.

109. The Applicant has submitted into the administrative record detailed renderings of the proposed project signage. Examples of comparable signage within the vicinity of the project site have also been submitted by the Applicant. The Board finds that the evidence submitted by the Applicant is sufficient to substantiate the Applicant's Variance request for increased project signage.

110. The California Coastal Commission does not impose a moratorium on development proposals during the period it provides and receives comments on the implementation of a Local Coastal Program. Moreover, the Coastal Commission staff's preliminary comments provided to date are part of an ongoing and yet incomplete process and therefore are not relevant to the Board's consideration of the subject project.

111. The Board finds that the approved project complies with policies of the Marina del Rey Land Use Plan and provisions of the Marina del Rey Specific Plan as incorporated in the Marina del Rey LCP, including:

    A. The project has fulfilled all pertinent filing requirements specified in section 22.46.1180 of the Marina del Rey Specific Plan;

    B. The project meets development standards specified in section 22.46.1330 of the aforementioned Specific Plan;

    C. The project's net increase of 342 units is well within the limits of 530 dwelling units specified for the Via Marina Development Zone (Zone 12);

    D. The project meets the intent of the Residential V category and all development requirements specified herein; and

    E. Conditions of approval and mitigation measures require contribution of a fair share to, funding of the mitigation measures described in the Coastal Improvement Fund as specified in Section 22.46.1950 of the County Code.

112. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning and Permit Section, Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

Regarding the Coastal Development Permit:

A. That the proposed project is in conformity with the certified local coastal program and, where applicable;

B. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code";

Regarding the Parking Permit:

C. That there will be no conflicts arising from special parking arrangements shared facilities, tandem spaces, or compact spaces because:

   i. Apartment houses using compact spaces for a portion of the required parking have a management program or homeowner's association to assure an efficient distribution of parking spaces.

D. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve the property;

E. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

Regarding the Variance:

F. That there are special circumstances or exceptional characteristics applicable to the property involved such as size, shape, topography, location of surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;

G. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity or zone; and

H. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Certifies that it independently reviewed and considered the information contained in the FEIR prepared for the project and certified the FEIR at the conclusion of the hearing on the project; determined that the conditions of approval attached hereto and as set forth in the MMP for the project are the only mitigation measures for the project which are feasible and that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in these findings and the environmental findings prepared for the project; determined that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the findings and in the Environmental Findings of Fact and Statement of Overriding Considerations, which findings and statement were adopted by the Board at the conclusion of the hearing and are incorporated herein by reference, and adopts the MMP which is appended to and included in the attached conditions of approval, finding that, pursuant to California Public Resources Code section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation; and

2. In view of the findings of fact and conclusions presented above, Coastal Development Permit No. 200500002-(4), Parking Permit No. 200500004-(4), and Variance No. 200500004-(4) are approved, subject to the attached conditions.

CONDITIONS OF APPROVAL
COASTAL DEVELOPMENT PERMIT NUMBER 200500002-(4)
PARKING PERMIT NUMBER 20050004
VARIANCE NUMBER 200500004

1. This grant authorizes a Coastal Development Permit for the demolition of an existing 202-unit apartment complex, including all structures, parking, landscaping, hardscape, and other appurtenant facilities located on the subject property, and subsequent construction of a 544-unit apartment on Parcels 100 and 101 in Marina del Rey; a parking permit for the use of compact parking spaces and a variance to construct and maintain signage in excess of county code requirements. This grant further requires the permittee to provide 17 inclusionary units for very low-income residents and 37 replacement units for moderate-income residents. This grant shall be subject to all of the following conditions of approval:

   A. The permittee shall enter into a Joint Covenant and Agreement with the Los Angeles County Community Development Commission ("CDC"), the County Department of Regional Planning ("Department"), and the Department of Beaches and Harbors stipulating that a total of 54 rental dwelling units ("Designated Units") of the proposed 544 units in the Project shall be income-restricted and rented only at an Affordable Housing Cost and only to households meeting the very low-income criteria applicable to the 17 inclusionary units and moderate-income criteria applicable to the 37 replacement units. The 54 designated units shall be dispersed throughout the Project and shall be compatible with the exterior design of the Project's market rate units in terms of appearance, materials, and finished quality;

   B. The unit composition of the Project's 54 designated units shall be as follows: 17 Inclusionary units for very low income tenants and 37 replacement units for moderate-income tenants. The Project's 54 designated units shall be as depicted on an exhibit to be reviewed and approved by the Department. The Exhibit shall be titled "Project Affordable Unit Location Exhibit" with a copy filed in the case records and a copy furnished to the CDC;

   C. The permittee shall specifically provide in each designated unit lease and shall strictly enforce the requirement that each designated unit be occupied at all times by the eligible household who has leased that designated unit, and that any other occupant of the unit be another qualified member of the lessee's household. CDC shall be identified as a third-party beneficiary of that covenant and shall have the right to directly enforce that restriction in the event the permittee fails to do so. Prior to execution of any designated unit lease with respect to the Project, the permittee shall submit to CDC and obtain its written approval of a standard form occupancy lease and the permittee shall thereafter use the approved form for all leases of designated units in the Project, with only such further modifications thereto as are first submitted to and approved in writing by CDC;

D. The permittee shall carry out an affirmative marketing program to attract prospective tenants of all minority and non-minority groups in the housing market area regardless of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, ancestry, or familial status. The affirmative marketing program should ensure that any group(s) of persons not likely to apply for the housing without special outreach efforts (because of existing neighborhood racial or ethnic patterns, location of the housing, or other factors), know about the housing, feel welcome to apply, and have the opportunity to rent;

E. The permittee shall maintain records and satisfy reporting requirements as may be reasonably imposed by CDC to monitor compliance with the tenanting requirements described in said joint covenant and agreement;

F. The permittee shall refrain from restricting the rental or lease of the site or any portion thereof on the basis of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, or ancestry of any person. All such leases or contracts shall contain or be subject to substantially the following non-discrimination or non-segregation clauses:

G. There shall be no discrimination against or segregation of any person, or group of persons, on account of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the site, nor shall the permittee itself or any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees of the site or any portion thereof. The non-discrimination and non-segregation provisions set forth herein shall remain in effect in perpetuity;

H. Prior to the issuance of any building permits for the project, the permittee shall record said Covenant and Agreement in the office of the County Recorder. The permittee shall, prior to recordation in the Office of the County Recorder, submit a copy to County Counsel, the Department, the Department of Beaches and Harbors, and the CDC for review and approval; and

I. The permittee's obligations under this grant shall begin on the first date that any of the rental dwelling units of the Project to be constructed by the permittee on the site are approved for legal occupancy ("Term Commencement Date"). The permittee has the right to record an affidavit with the Final Building Permit Approval (or Certificate of Occupancy) to reflect the commencement of the Term of this Agreement. This Covenant

and Agreement shall expire, and all benefits and burdens associated with this Covenant and Agreement shall cease 30 years from the Term Commencement Date.

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the Department their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 9, 12, and 13.

4. To the extent permitted by law, the permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009, or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay the Department an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   A. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and

   B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

   The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within two years from the date of approval. A one-year time extension may be requested in writing with the applicable fee six months before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant with the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of $3,000. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for 20 annual inspections. Inspections shall be unannounced.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

    If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional inspections and for any enforcement efforts reasonably necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file. The amount charged for additional inspections shall be $150 per inspection, or the current recovery cost, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing and giving notice thereof to permittee, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

12. Within 15 days of the approval date of this grant, the permittee shall remit a $25 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code.

13. Within 30 days of the approval date of this grant, the permittee shall deposit the sum of $3,000 with the Department to defray the cost of reviewing the required mitigation monitoring reports and verifying compliance with the Mitigation Monitoring Plan.

14. The conditions and/or changes in the project, set forth in the Final Environmental Impact Report as necessary in order to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached Mitigation Monitoring Plan. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to the Department for review and approval as frequently as may be required by the Department. The reports shall describe the status of the permittee's compliance with the required project conditions/changes.

15. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said department.

16. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions, or shown on the approved plans.

17. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.

18. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises.

19. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations. Inspections shall be made as provided in Condition No. 10 to ensure compliance with this condition, including any additional inspections as may be necessary to ensure such compliance.

20. Within 90 days of approval of this grant, the permittee shall submit to the Planning Director for review and approval three copies of revised plans, similar to Exhibit "A" as presented at the public hearings that clearly depicts all required project changes, including the full dimensions which demonstrate the set-backs and articulations of the proposed buildings as required by the Board at its public hearing. The property shall be developed and maintained in substantial conformance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.

21. Within 90 days of approval of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into the Revised Exhibit "A" described in Condition No. 21. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary for the life of this grant.

22. Within 90 days of approval of this grant, the permittee shall submit to the Planning Director and Director of Beaches and Harbors for review and approval three copies of a signage plan, including elevations, proposed lettering, colors, and locations of signage on the subject property, which may be incorporated into the Revised Exhibit "A" described in Condition No. 20. All renderings of said signage shall be drawn to scale and shall be in conformity with those approved by the Design Control Board.

23. Prior to issuance of a building permit for the project, the permittee shall, to the satisfaction of the Planning Director, participate in, and contribute to its fair share to, funding of the mitigation measures described in the Coastal Improvement Fund as specified in Section 22.46.1950 of Los Angeles County Code.

24. The permittee shall, to the satisfaction of the Los Angeles County Fire Department, conduct site development in conformance with the approved Fire Safety Plan on file, such plan having been prepared in accordance with section 22.46.1180 (15) of the Zoning Ordinance.

25. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect property the property from fire hazard. The permittee shall provide fire flow, hydrants, gated access width, emergency access, and any other facilities as may be required by said Department.

26. The applicant shall provide fire sprinklers in all structures in accordance with Los Angeles County Building Code, Chapter 38, sections 3802(b) 5 and 3802 (h) to the satisfaction of the Fire Department.

27. The following conditions shall apply to project construction activities:

A. Construction activity shall be restricted between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. to 5:00 p.m. on Saturday. No construction shall occur on Sundays and legal holidays;

B. Pile driving shall be restricted to the hours between 8:00 a.m. to 5:00 p.m., Monday through Friday. No pile driving activity shall be conducted on Saturdays or Sundays;

C. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;

D. All fixed and mobile construction equipment shall be in proper operating condition and be fitted with standard silencing devices; engineering noise controls shall be implemented on fixed equipment to minimize adverse effects on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Planning Director and the Department of Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses;

E. Parking of construction worker vehicles shall be on-site or at an adjacent off-site location approved by the Planning Director and agreed to by the owner of said adjacent property and restricted to areas buffered from residences located in the vicinity of the subject property, as approved by the Planning Director. If the permittee chooses to provide parking for construction workers off-site, the permittee shall submit to the Planning Director for review and approval plans for temporary construction worker parking and shall

demonstrate that the use of the off-site parking spaces shall not interfere with parking spaces required for operation of any use or uses on the property to be used for temporary parking;

F. The permittee shall provide adjacent property owners with a pile driving schedule 10 days in advance of such activities, and a three-day notice of any re-tapping activities that may occur. The permittee shall submit a copy of the schedule and mailing list to the Planning Director and the Department of Public Works prior to the initiation of construction activities. In addition, the permittee shall conspicuously post a construction schedule along portions of the property fronting Via Marina, Marquesas Way, Dell Avenue, and Via Dulce10 days in advance of any construction activities. The schedule shall also include information where individuals may register questions, concerns, or complaints regarding noise issues. The permittee shall take appropriate action to minimize any reported noise problems;

G. All project-related truck hauling shall be restricted to a route approved by the Director of Public Works, a map of which shall be provided to the Planning Director upon approval. The permittee shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The permittee shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to the Los Angeles County Department of Public Health;

H. The permittee shall develop and implement a construction management plan, as approved by the Planning Director and the Director of Public Works, which includes all of the following measures as recommended by the South Coast Air Quality Management District ("SCAQMD"), or other measures of equivalent effectiveness approved by the SCAQMD:

i. Configure construction parking to minimize traffic interference;

ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person);

iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works;

iv. Consolidate truck deliveries when possible;

v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;

vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD for daily forecasts;

vii. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators, except as approved by the Planning Director;

viii. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices; and

ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices;

I. The permittee shall develop and implement a dust control plan, as approved by the Planning Director, the Director of Public Works, and the Local Enforcement Agency ("LEA"), which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:

i. Apply approved non-toxic chemical soil stabilizers according to the manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more);

ii. Replace ground cover in disturbed areas as quickly as possible;

iii. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications;

iv. Provide temporary wind fencing consisting of three- to five-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded;

v. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available);

vi. Install wheel washers where vehicles enter and exit unpaved areas onto paved roads, or wash off trucks and any equipment leaving the site each trip; and

vii. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

J. All construction and development on the subject property shall comply with the applicable provisions of the California Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County of Los Angeles; and

K. The permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible as determined by the Director, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Planning Director and the Department of Public Works, prior to building permit issuance.

28. The permittee shall be in compliance with the attached Mitigation Monitoring Plan.

29. This grant shall not be effective until the permittee submits a plan for parking management and on-site circulation to the satisfaction of the Planning Director and the Director of Public Works.

30. The permittee shall provide a minimum of 1,088 parking spaces consisting of 742 standard, 328 compact spaces, and 18 handicapped spaces. Five-hundred fourteen of said parking spaces shall be configured as tandem parking. The use of said parking spaces for storage is expressly prohibited.

31. ADA compliant sidewalks and driveways shall be constructed per the Department of Public Works satisfaction.

32. The use of the subject property shall be further subject to all of the following restrictions:

A. The permittee shall maintain a management staff to reside on-site and be available to respond to any issues 7 days per week, 24 hours per day;

B. The permittee shall post signage on the subject property providing a telephone number for the reporting of any problems associated with said property;

C. Outdoor storage and the repair of automobiles shall be prohibited; and

D. The permittee shall monitor landscaping on a monthly basis and replace vegetation as needed.

33. The permittee shall design and construct driveways to the satisfaction of the Department of Public Works.

34. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel 100 and 101.

Attachment:
Mitigation Monitoring Plan

Table Title
Mitigation Monitoring Plan

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	GEOTECHNICAL AND SOIL RESOURCES			
Proposed project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction within the less dense silty sand, sand and silt soils.	**Fault Rupture, Seismic Ground Shaking, Landslides:** **5.1-1.** Proposed structures shall be designed in conformance with the requirements of the 1997 edition of the UBC and the County of Los Angeles Building Code for Seismic Zone 4. **Liquefaction:** **5.1-2.** Remedial measures shall be taken to limit lateral deformation and subsidence by installation of ground improvements as discussed in the URS geotechnical investigation titled *Second Addendum to the May 8, 2001 Geotechnical Report; Second Update and Response to Preliminary Review Comments Proposed Apartment Complex; The Shores, Marina del Rey, California, dated September 26, 2005.* The structures shall be founded on a pile foundation system, or an equivalent system acceptable to the County, designed for static loads as well as the lateral and vertical drag loadings from earthquake-induced	The applicant shall submit plans designed in conformance with UBC and County of Los Angeles Building Code requirements. The applicant shall provide the final geotechnical report that ensures development will not be affected by liquefaction.	Building Department Building Department and County Geologist	During plan check During plan check and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	liquefaction and lateral deformation. 5.1-3. The proposed structures shall be placed on a pile foundation system, or an equivalent system acceptable to the County, with a minimum tip depth 45 feet below grade, or elevation –30 feet, whichever is deeper. These parameters would result in at least five feet of embedment into the site's underlying sand layer. Such piles may be designed for a dead-plus-live allowable axial compression bearing capacity of 45 ksf (factor of safety of 4) in addition to the friction values presented in the *Second Addendum to the May 8, 2001 Geotechnical Report; Second Update and Response to Preliminary Review Comments Proposed Apartment Complex; The Shores, Marina del Rey, California, dated September 26, 2005.* Piles embedded between 52 and 60 feet below grade may be designed for the allowable 60 ksf bearing capacity indicated in section 5.5 of the URS report titled *Geotechnical Investigation; Proposed Apartment Complex, The Shores, Marina del Rey, California [May 8, 2001].* For reference purposes, all geotechnical reports are incorporated in this Draft EIR in **Appendix 5.1**.	Field inspection	Building Department and County Geologist	On going during construction
The project site is not located on expansive soils however; any	**Expansive Soils:** 5.1-4. Any import material shall be tested for expansion potential prior to importing.	The applicant shall have expansion tests performed to verify	Public Works Department	Grading completion

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
import material shall be tested for expansion prior to importing.	**5.1-5.** Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential.	expansion potential.		
The project site is currently developed with apartment structures. Soil erosion could occur on the site.	**Soil Erosion:** **5.1-6.** Precautions shall be taken during the performance of site clearing, excavations and grading to protect the project from flooding, ponding or inundation by poor or improper surface drainage.	The applicant shall submit an Erosion Control Plan to protect the project from improper surface drainage.	Public Works and Building Departments	Prior to the issuance of grading permit
	5.1-7. Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall. **5.1-8.** Where necessary during periods of rainfall, the Contractor shall install checkdams, desilting basins, rip-rap, sand bags or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements. **5.1-9.** Following periods of rainfall and at the request of the Geotechnical Consultant, the Contractor shall make excavations in order to evaluate the extent of rain-related	Field inspections	Building Department	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	subgrade damage. **5.1-10.** Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property. **5.1-11.** For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.		Public Works and Building Departments	
	5.1-12. Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.	The applicant shall record a covenant prior to issuance of a certificate of occupancy.	Public Works and Building Departments	Prior to issuance of a certificate of occupancy
	5.1-13. Landscaping shall be kept to a minimum and, where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.	The applicant shall submit a landscape plan.	Planning Department	During plan check
	5.1-14. Roof drains shall be directed off the site.	Field inspections	Building Department	During plan check and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	Soil Gas: **5.1-15.** If deemed necessary by the County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems.	Field inspection	Public Works and Building Departments County Geologist	During construction
	5.1-16. The project shall incorporate any additional design recommendations as defined in the URS geotechnical investigation, dated May 8, 2001, and the update letter to this report, dated June 2, 2005.	Plan review	Public Works Department and County	During plan check
	NOISE			
Proposed development on the site and existing development in nearby off-site areas contain a variety of land uses, some of	**5.2-1.** All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state and local standards, the applicant shall maintain an equipment log. The log shall	The applicant shall submit an equipment log to ensure the equipment is properly maintained.	Public Works Department and Building Departments	Log submitted quarterly and during field inspections

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
which would be considered noise sensitive.	document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. The log shall be submitted to the LACDPW for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses that preclude all sight-lines from the equipment to the residential land use(s). As the project is constructed, the use of building structures as noise barriers would be sufficient. The County Building Official or a designee should spot check to ensure compliance.			
	5.2-2. Construction activities shall be restricted to between the hours of 8:00 AM and 5:00 PM in order to minimize construction and haul route activities that would create noise disturbance on surrounding residential and commercial real property line.	Field inspection	Building Department	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.2-3. Occupants/tenants of the surrounding sensitive land uses shall be informed of the anticipated duration of the project, noise impact and any other pertinent information where people can register complaints or questions regarding project activities.	During construction	Building Department	On going during construction
	5.2-4. The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain contact information, the type of project, anticipated duration of construction activity and a hotline phone number to register complaints.	On-site construction notice posted		
	5.2-5. Grading work shall be kept between the hours of 8:00 AM and 5:00 PM Monday through Friday. Noise generated by the project shall attempt to remain within standards dictated by the Los Angeles County Code, Title 12, Environmental Protection, Section 12.08.440. However, the noise level shall not exceed a cumulative 15 minute noise level of 85 dB(A) (L25) during any hour that construction activities are in operation. This standard shall apply for any period of time during construction that compliance is technically and economically feasible.	Field inspection	Building Department	On going during construction
	5.2-6. All construction equipment, fixed and mobile, shall be in proper operating condition and fitted with standard silencing devices. Proper engineering noise controls should be implemented when necessary on fixed equipment. It is recommended that a monitoring program be implemented by the applicant in conjunction with the County of Los Angeles Sheriff's Department to	The applicant shall submit a monitoring plan to monitor mobile and fixed sources to ensure proper operating conditions.	Sheriff's Department	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	monitor mobile sources as necessary, contingent upon the Sheriff's Department acceptance of a monitoring agreement.			
	5.2-7. Vibration associated with the operation of any device capable of exceeding the vibration perception threshold (motion velocity) of 0.01 in/sec over the range of 1 to 100 hertz) at or beyond the property boundary on private property, or at 150 feet from the source if on a public space or public right of way is prohibited.	Field inspection	Building Department	On going during construction
	5.2-8. The project applicant shall consult with an engineer regarding available technology for the noise attenuation of the Pile Driver equipment. Past operation of this device has resulted in levels above 105 dB(A) 75 feet away from the equipment. Reports shall be provided to the County of Los Angeles Department of Health Services, Public Health Division, prior to grading.	The applicant shall provide noise attenuation reports to the Department of Health Services, Public Health Division.	Department of Health Services	Prior to grading
AIR QUALITY				
Implementation of the project would generate both construction-related and operation-related pollutant emissions from a stationary and mobile source. Emissions and	5.4-1. Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD: a. Configure construction parking to minimize traffic interference.	The applicant shall submit a construction management plan to ensure minimal construction activity impact.	Public Works Department	Prior to issuance of a grading permit and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
fugitive dust would be generated by construction activities including demolition, excavation, grading, construction, and motor vehicle traffic. In addition, for structures built before 1978, microscopic asbestos fibers may also pose an air quality concern.	b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person). c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable. d. Re-route construction trucks away from congested streets. e. Consolidate truck deliveries when possible. f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site. g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions. h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts. i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices. k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.			
	5.4-2. Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:	The applicant shall submit a dust control plan to alleviate dust emissions.	County of Los Angeles Department of Health Services, Public Health Division and Building Department	Prior to issuance of a grading permit and on going during construction
	a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more). b. Replace ground cover in disturbed areas as quickly as possible. c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.	Field inspection	Building Department	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	d. Water active grading sites at least twice daily (SCAQMD Rule 403). e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. f. Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded. g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code. h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available). i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces. k. Enforce traffic speed limits of 15 mph or less on all unpaved roads. l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.			
	5.4-3. In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.	The applicant shall submit an asbestos removal plan, if asbestos is discovered, prior to demolition of existing structures.	Building Department	During demolition
TRAFFIC/ACCESS				
Upon completion, The Shores project would generate approximately 1,354 net new daily trips, with approximately 120 net new trips occurring during the	5.6-1. In order to fund the recommended TIP roadway improvements, all projects within the Marina, including the proposed project are required to pay the traffic mitigation fee imposed by the County of Los Angeles, pursuant to the Marina del Rey Specific Plan TIP. This fee is intended to fund the Category 1 (local Marina) and Category 3 (regional) roadway improvements described in the TIP, by providing "fair share" contributions	Submittal of plan review	Public Works Department	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
AM peak hour and approximately 111 net new trips occurring during the PM peak hour.	toward the improvements, based on the amount of project PM peak-hour trips. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected project trip generation of 111 net new PM peak-hour trips, the project would be required to pay $631,590.00 in trip mitigation fees. Of the $631,590.00, $176,712 shall go toward Category 1 transportation improvements, and the remaining $454,878.00 will go toward Category 3 transportation improvements. The LACDPW has expressed that it prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee described previously is the recommended mitigation over the partial construction by this project of portions of the significant TIP roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following measure is recommended to reduce the significant project traffic impact identified in this study to less than significant levels:			
Prior to mitigation, project traffic volumes for The Shores project could	**5.6-2.** Lincoln Boulevard and Mindanao Way – Widen Lincoln Boulevard, and relocate and narrow the existing median island to provide a northbound right-turn only or through lane at Mindanao Way. This measure is	The applicant shall submit improvement plans.	Public Works Department	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
produce a significant traffic impact at the intersection of Lincoln Boulevard and Mindanao Way.	identical to the improvement described in Appendix G (TIP) of the Marina del Rey LIP.			
Cumulative traffic impacts would affect five intersections within Marina del Rey.	Cumulative traffic mitigation includes the following: Cumulative traffic impacts would affect five intersections that occur within Marina del Rey. To implement mitigation measures at these intersections the LACDPW has established a transportation improvement fund. As defined in this report, based on the expected project trip generation of 111 net new PM peak-hour trips, the project would be required to pay $631,590.00 in trip mitigation fees. Of the $631,590.00, $176,712 shall go toward Category 1 transportation improvements, and the remaining $454,878.00 will go toward Category 3 transportation improvements. The intersections and specific mitigation measures that would be funded by either Category 1 or Category 3 transportation improvements are defined below. • Admiralty Way and Via Marina – Participate in the reconstruction of the intersection to provide for a realignment of Admiralty Way as a "through roadway," with Via Marina intersecting into Admiralty Way in a "tee" configuration. All turning movements at the	The applicant shall pay fees to the transportation improvement fund.	Public Works Department	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	intersection will be constructed as dual- or right-turning movements. This improvement is identified in the Marina del Rey TIP and will enhance flow within the Marina. • Admiralty Way and Palawan Way – Restripe the southbound approach to convert the through lane into a left/through shared lane; restripe the northbound approach to provide an exclusive right-turn only lane, in addition to a shared left-turn/through lane. This improvement is currently being investigated by the County for implementation as a new TIP-type measure, funded by fair-share contributions by projects within Marina del Rey. Also, add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way, as identified in the TIP. • Lincoln Boulevard and Mindanao Way – In addition to the project-specific mitigation improvement described earlier (installation of a northbound right-turn only lane), restripe Lincoln Boulevard at Mindanao Way to provide dual left-turn lanes in the southbound direction. This improvement may require additional widening along southbound Lincoln Boulevard. Acquisition of additional rights-of-way to implement this improvement could be funded through payment of the applicable Marina del Rey traffic impact assessment fees described earlier. • Lincoln Boulevard and Fiji Way – Widen the eastbound Fiji Way approach to Lincoln Boulevard to provide an additional left-turn lane at Lincoln Boulevard. This			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	measure is identical to the improvement described Admiralty Way and Mindanao Way – Widen northbound Admiralty Way to provide a right-turn lane at Mindanao Way. Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way. In addition, modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way and has already been approved as part of a previous project (Marina Two).			
	The analysis of cumulative traffic impacts also defines impacts at five intersections that occur wholly outside or that have shared jurisdiction with the City of Los Angeles or Caltrans. For these intersections, physical improvements are infeasible as there are no reasonable, enforceable plans or programs sufficiently tied to the actual mitigation of the traffic impacts at issue. Intersection improvement measures recommended to address these cumulative traffic impacts at this intersection are described below. • Washington Boulevard and Via Marina/Ocean Avenue – The northbound approach on Palawan Way at Washington Boulevard shall be reconstructed to allow for a dual northbound left-turn lane onto westbound Washington Boulevard. Install a new traffic signal and, as necessary, modify the traffic signal at the intersection of Admiralty Way at Palawan Way. The applicant's pro-rata share is 13 percent which is $39,650.00 based on a total improvement cost estimated at $305,000.00. • Washington Boulevard and Palawan Way – Install a new	To the extent reasonable, enforceable plans sufficiently tied to actual mitigation of the traffic impacts at issue are established, the applicant shall pay their fair share of transportation improvements to the satisfaction of the County, City and/or Caltrans.	County and City Public Works Departments and Caltrans	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	traffic signal at this intersection. The northbound approach should be realigned to reduce the angle of the right-turn only lane and provide a more perpendicular approach. This improvement is also currently being assessed by the County as a new fair-share-funded Marina improvement. • Lincoln Boulevard and Washington Boulevard – No feasible physical improvements have been identified for this intersection. • Lincoln Boulevard and Marina Expressway (SR 90) – Extend SR 90 to connect to Admiralty Way via a fly-over across Lincoln Boulevard. The project should contribute its fair share to the applicable traffic impact assessment fees toward this key regional improvement. • Marina Expressway (SR 90) Eastbound and Mindanao Way – Implement a second left-turn lane in the east approach from on Mindanao Way from the Marina Expressway. Implementation of this measure(s) shall occur at the discretion and approval of the City of Los Angeles and Caltrans. Should the County, the City of Los Angeles and Caltrans agree on a funding mechanism to implement the recommended traffic improvements prior to building occupancy, it is recommended that the applicant, where appropriate, pay its fair share of required transportation improvements.			
	SOLID WASTE			
Demolition of the existing structures	**5.7-1.** Consistent with Title 20, Chapter 20.87 of the Los Angeles County Code, the project proponent shall	The applicant shall submit a Recycling and	Public Works Department	Prior to issuance of

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
would generate construction debris.	provide a Recycling and Reuse Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. Documentation of this recycling program will be provided to the LACDPW, prior to the issuance of the Demolition and Grading permits.	Reuse Plan		demolition and grading permits
During project operation, The Shores project would generate a net increase of solid waste generation.	5.7-2. To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by The Shores project applicant. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and reuse of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods could include locating recycling bins in proximity to dumpsters used by future on-site residents.	The applicant shall submit a solid waste management plan.	Public Works Department	Prior to issuance of demolition and grading permits
	5.7-3. The Shores project applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.	The applicant shall contract with a hauling company.	Public Works Department	On going during construction
WATER SERVICE				
The proposed development of the project would increase the demand	5.8-1. Prior to the issuance of occupancy permits, The Shores project applicant shall improve, to the satisfaction of the LACDPW, water lines in Marquesas Way and Dell	The applicant shall submit water line improvement plans and submit will serve letter	Public Works and Planning Departments	Prior to the issuance of grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
for water in the project area.	Avenue.	from the County Department of Regional Planning		
	5.8-2. The Shores project shall prepare a landscape plan that meets all provisions of Title 26 of the Los Angeles County Code, Chapter 71, Water Efficient Landscaping.	The applicant shall submit a landscape plan	Planning Department	During plan check
	5.8-3. The Shores project shall incorporate into the building plans water conservation measures as outlined in the following: • Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and • Government Code Section 7800, which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.	The applicant shall submit building plans incorporating water conservation methods	Public Works Department	Prior to the issuance of building permit
	SEWER SERVICE			
The proposed development would	5.9-1. Prior to issuance of building permits, The Shores project applicant shall demonstrate sufficient sewage	The applicant shall submit a will serve letter	Public Works Department	Prior to the issuance of

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
generate an increase demand for sewage.	capacity for the proposed project by providing a "will-serve" letter from LACDPW's Waterworks and Sewer Maintenance Division.	from the Public Works Department Waterworks and Sewer Maintenance Division	and Sewer Maintenance	building permits
	5.9-2. Prior to issuance of building permits, The Shores project applicant shall pay a one-time Sewer Facilities Charge to the City of Los Angeles, as required, to account for the increase in sewage generation.	The applicant shall pay the required fee.	Public Works Department	During plan check